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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
GRIER, L

ART UNIT	PAPER NUMBER
2644	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa et al. (U. S. Patent No. 5887067), in view of Kawamura et al. (U. S. Patent No. 5371553) and further in view of Foster et al. (U. S. Patent No. 5588105).

Regarding **claims 1 and 9**, Costa et al. discloses an audio communications system for a life safety network. Costa et al. disclosure includes a plurality of audio source modules each with a plurality of audio channels in a computer system (figure 1- references 10 and 12, and column 2, lines 17-35, and column 3, lines 56-58), which includes a central processing unit (CPU) with user interface capabilities. Such a computer system may be used in a recording studio (column 7, lines 44-45). Costa et al. discloses display (figure 3) features, however, Costa et al. fails to specifically disclose the capabilities of a first and second display portion; Costa further fails to disclose collapsible control boxes as well an overall control mechanism (hereinafter referred to as "user interface capabilities"). The examiner maintains that disclosing such user interface capabilities were well known in the art, as taught by Kawamura et al. and further taught by Foster et al.

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Regarding the user interface capabilities, in a similar field of endeavor, Kawamura et al. discloses a monitor apparatus for selecting audio-visual units and operating modes from a control window. Kawamura et al. a display means for displaying a first control window, a second control window (column 3, lines 50-68 and column 4, lines 1-7), which reads generating a first display portion and second display portion.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Costa et al. providing a first and second display control means for the purpose of allowing a recording expert to have varied ways of editing and/or enhancing the audio effects.

Further, the combination of Costa et al. and Kawamura et al. (hereinafter referred to as "Costa"), fail to the claimed control features. In a similar field of endeavor, Foster et al. discloses a status bar for application window. Foster et al.'s disclosure teaches the functions of a graphical user interface with a number of pull-down menus (column 1, line 21, and line 9), which constitutes for a collapsible box. Whereas the term "collapsible" is generally defined as foldable and/or as to make or become compact in shape and/or size.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made of modify Costa by providing such a user friendly control technique for the purpose of eliminating unwanted clutter of the many control menus that can appear in a computer display and further allows the user to be more confident when mixing and/or enhancing audio effects.

Considering the global control, Foster et al. further teaches the display of the control features relative to the global information of the computer system as well providing global control function capabilities (columns 1-2, lines 67-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made of modify Costa by providing a global control technique for the purpose of providing more convenience and easier accessibility of more than one device/module at a time for manipulating a system of devices such as in a recording studio for mixing and/or enhancing audio effects.

Regarding **claim 2**, Costa discloses everything claimed as applied above see (claim 1). Further, Costa further discloses CPU (central processing unit) means for transmitting a control to the audio sound modules.

Regarding **claims 3-7**, Costa discloses everything claimed as applied above (see claim 1). Kawamura et al. discloses in figure a set of controls (reference 12) which is inherently indicative of recording as well as playing functions and other control functions.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the combined inventions of Costa et al. and Kawamura et al. with the global control capabilities to providing various enhancing audio/sound engineering functions that would make the audio manipulations of an expert in the field more convenient (by remaining in one central location and still control all devices) when editing a recording in an audio recording studio through the use of the techniques of a graphical user interface or the like.

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2. **Claims 8 and 10-11, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa et al.

Regarding **claims 8 and 10**, Costa et al. discloses an audio communications system for a life safety network. Costa et al. disclosure includes a plurality of audio source modules each with a plurality of audio channels in a computer system (figure 1- references 10 and 12, and column 2, lines 17-35, and column 3, lines 56-58), which includes a central processing unit (CPU) with user interface capabilities. Such a computer system may be used in a recording studio (column 7, lines 44-45). Costa et al. inherently discloses input/output capabilities of a channel (column 3, lines 17 and column 5, lines 24) Costa et al. discloses display (figure 3) features, however, Costa et al. fails to specifically disclose the capabilities of a first and second display portion; Costa further fails to disclose collapsible control boxes as well an overall control mechanism (hereinafter referred to as "user interface capabilities"). The examiner maintains that disclosing such user interface capabilities were well known in the art, as taught by Kawamura et al. and further taught by Foster et al.

Regarding the user interface capabilities, in a similar field of endeavor, Kawamura et al. discloses a monitor apparatus for selecting audio-visual units and operating modes from a control window. Kawamura et al. a display means for displaying a first control window, a second control window (column 3, lines 50-68 and column 4, lines 1-7), which reads generating a first display portion and second display portion.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Costa et al. providing a first and second

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display control means for the purpose of allowing a recording expert to have varied ways of editing and/or enhancing the audio effects.

Further, the combination of Costa et al. and Kawamura et al. (hereinafter referred to as "Costa"), fail to the claimed control features. In a similar field of endeavor, Foster et al. discloses a status bar for application window. Foster et al.'s disclosure teaches the functions of a graphical user interface with a number of pull-down menus (column 1, line 21, and line 9), which constitutes for a collapsible box. Whereas the term "collapsible" is generally defined as foldable and/or as to make or become compact in shape and/or size.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made of modify Costa by providing such a user friendly control technique for the purpose of eliminating unwanted clutter of the many control menus that can appear in a computer display and further allows the user to be more confident when mixing and/or enhancing audio effects.

Considering the global control, Foster et al. further teaches the display of the control features relative to the global information of the computer system as well providing global control function (columns 1-2, lines 67-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made of modify Costa by providing a global control technique for the purpose of providing more convenience and easier accessibility of more than one device/module at a time for manipulating a system of devices such as in a recording studio for mixing and/or enhancing audio effects.

Regarding **claims 11 and 16**, Costa discloses everything claimed as applied above (see claim 10). Kawamura et al. discloses a pointing device, which constitutes as a selection device (column 4, lines 8-20). With, Kawamura, Tokuhisa further teaches that the selection device as a keyboard and a mouse (column 3, lines 58-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a pointing device for the purpose of serving a input means and/or manipulation tools.

Regarding **claim 13**, Costa discloses everything claimed as applied above (see claim 10). Foster et al. discloses a mouse for using the pull-down boxes (column 1, lines 22-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a mouse for the purpose of serving a input means and/or manipulation tools.

3. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Costa further in view of Tokuhisa (U. S. Patent No. 5862231).

Regarding **claim 12**, Costa discloses everything claimed as applied above (see claim 10). However, Costa fails to specifically disclose a selection device being a keyboard. The examiner maintains that disclosing a keyboard as a selection device was well known in the art as taught by Tokuhisa.



Regarding a keyboard, Tokuhisa discloses a dsp programming apparatus and dsp device. Tokuhisa's disclosure teaches the use of a keyboard for input commands of a graphical user interface (column 3, lines 58-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a keyboard for the purpose of serving a input means and/or manipulation tools.

4. **Claims 14-15, and 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa.

Regarding **claims 14-15 and 17-18**, Costa discloses everything claimed as applied above (see claims 10 and 11). Costa et al. further discloses a transmission line for transmitting audio data as well as commands to audio sound modules (column2, lines 17-35).

5. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Costa.

Regarding **claim 19**, Costa discloses everything claimed as applied above (see claim 1). With Costa, Foster et al., discloses a number of pull-down menus (column 1, line 21, and line 9), which constitutes for a collapsible box wherein upon selection of any one audio module results in a single control box. Whereas, the term "collapsible" is generally defined as foldable and/or as to make or become compact in shape and/or size.

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made of modify Costa by providing such a user friendly control technique such as a pull down menu for the purpose of allowing the user to select from among several channels of an audio module/device without the unwanted clutter of the many control menu features of a busy computer display.

**Claims 20-22** are rejected for the same reasons as claims 1, 10, and 19.

### ***Response to Arguments***

Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

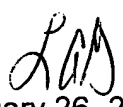
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached between 7:30 am - 4:00 pm.

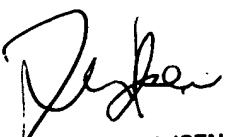
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

  
January 26, 2001

  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
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